

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

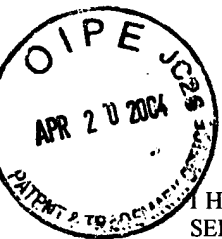
Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



Image

DAC/\$

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Ira Fromm Date: April 16, 2004

MAIL STOP PETITION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:	:		
Hideki Nakata <i>et al.</i>	:		
	:		
Conf. No.: 4893	:	Group Art Unit:	2837
	:		
Appln. No.: 10/087,703	:	Examiner:	Renata D. McCloud
	:		
Filing Date: February 28, 2002	:	Attorney Docket No.:	8861-424US
	:		(P27135-01)
Title:	:		
ELECTRIC MOTOR CONTROLLER	:		

REQUEST TO WITHDRAW NOTICE OF ABANDONMENT

This communication is in response to a Notice of Abandonment mailed April 7, 2004 for failure to pay the Issue Fee in connection with the above-referenced application.

Please be advised that the Issue Fee was mailed to the United States Patent and Trademark Office on January 23, 2004. Copies of the Issue Fee Transmittal, check and postcard mailed on January 23, 2004 are enclosed herewith. This request is being submitted on the grounds that the failure to respond was inadvertent and resulted from an error at the United States Post Office or an error at the United States Patent and Trademark Office Issue Fee Department. We just learned of the abandonment upon receiving a Notice of Abandonment (copy enclosed) on April 14, 2004.

In view of the above, it is respectfully requested that the Notice of Abandonment be withdrawn. Since the United States Patent and Trademark Office never received our check and it was never returned to us by mail, we are submitting a new check in the amount of \$1,660.00. It

is respectfully submitted that this application is now in condition for issuance and such action is respectfully requested.

Inasmuch as the Issue Fee was mailed in a timely manner, the Applicant does not believe any petition fee is due. However, should a fee be necessary, any fees/overpayments are authorized to be charged/credited to our firm's **Deposit Account No. 50-1017 (Billing No. 200263.0036)**. One additional copy of this paper is enclosed for accounting purposes.

Respectfully submitted,

HIDEKI NAKATA ET AL.

April 15, 2004
(Date)

By:

Clark Jablon

CLARK A. JABLON

Registration No. 32,886

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1293

Facsimile: 215-965-1210

E-Mail: cjablon@akingump.com

CAJ/TMF
Enclosure(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,703	02/28/2002	Hideki Nakata	8861-424US (P27135-01	4893

570 7590 04/07/2004
AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103-7013

EXAMINER

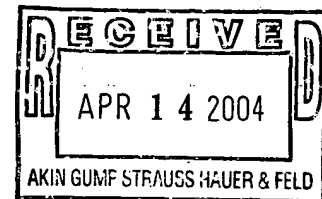
MCCLOUD, RENATA D

ART UNIT PAPER NUMBER

2837

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

10/087,703

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

W

Respond to the Notice of Abandonment by one of the following:

Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA
22313-1450

By facsimile: 703-305-8755 or 703-305-4372

Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website - <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

ATTY CAS/jmp SECY PATENT RETURN POSTCARD
 ATTY DKT # 6841- TODAY'S MAILING DATE 10/23/04
 EXPRESS MAIL # (CERT OF MAIL/CERT OF SERVICE)
 PAT APP/PATENT/REEXAM/INTF# 10/087, 703
 OF Hideki Nakata
 FOR: "Electric Motor Controller"
 RECEIPT IS ACKNOWLEDGED BY THE USPTO FOR THE FOLLOWING:
 PAT AP(PROVINON-PROVIDES/REISSUE) CPA REQUEST
 DECL & POW(EXECUTED/UNEXECUTED) AMEND/REQ RECONS/RESTR REQ. RESPONSE
 PAGES TOTAL TEXT RESPONSE TO MISSING PARTS
 TOTAL # CLAIMS INF.DISC.STMT. PTO-1449 & REFS
 SHEETS DRAWING (FORMAL/INFORMAL) PET.EXT.TIME MONTHS
 SEQUENCE LISTING (PAPER COPY/DISK) ASSIGN/CHG NAME/MERGER/SEC. INT
 COMPUTER CODE PTO-1595 FORM
 PRELIMINARY AMENDMENT VERF.STATE - SMALL ENTITY
 PRIORITY DOC. NOTICE APPEAL/APPEAL BRIEF/(3 COPIES)
 COUNTRY NO SUPPL. DECL
 TRANSMITTAL LTR (US/PCT/NAT'L PHASE) FEE AUTH(FINAL/MAINT/DISCLAIMER)
 REV/APPT OF ATTORNEY REQUEST(STATUS/CERTIF CORR/COR FILING RT/REFUND)
 TOTAL FEES AUTH CHARGE DEP ACCT. #50-4017 \$ Check #9409/1,100.00
 OTHER (PAPER TITLE)

DOCUMENT HAS A COLORED BACKGROUND. SECURITY FEATURES LISTED ON BACK.

AKIN GUMP STRAUSS HAUER & FELD LLP
 DISBURSEMENT ACCOUNT
 A REGISTERED LIMITED LIABILITY PARTNERSHIP
 INCLUDING PROFESSIONAL CORPORATIONS
 1333 NEW HAMPSHIRE AVENUE, N.W.
 WASHINGTON, DC 20036
 (202) 887-4000

Citibank Delaware
 One Penns Way New Castle, DE 19720

Check No. 94501

62-293714

DATE 01/22/2004

AMOUNT IN CHECK
 \$ 1,100.00

PAY TO THE ORDER OF ONE THOUSAND SIX HUNDRED SIXTY AND 00/100 DOLLARS

VOID AFTER 6 MONTHS

DIRECTOR OF THE UNITED STATES PATENT & TRADEMARK OFFICE

(208861.0424) 10/087, 703

[Signature]

AUTHORIZED SIGNATURE

110945011 10311002091 3864161211